

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 21, 2009

DIVISION ONE

B210077 Los Angeles County, D.C.F.S.
 v.
 J.M.

Filed order modifying opinion. (Change in judgment)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B210318 Mega International v. Wong
B210373 People v. Gates
B208591 DCFS v. I.C.
B209060 People v. Adams

Argument waived, cause submitted.

B209259 Los Angeles County, D.C.F.S.
 v.
 A.D.

Merits:

Argued by Linda Rehm for appellant and by Jeanette Cauble for respondent.
Cause submitted.

DIVISION TWO(continued)

B205710 Cannon
 v.
 Bettinger et al.,

Merits:
Argued by Lisa Stratman for appellant and by Daniel Watkins for respondents. Cause submitted.

B209546 Sasaguchi
 v.
 Commerce West Insurance Co.

Merits:
Argued by Steven Kerekes for appellant and by Brian Procel for respondent. Cause submitted.

B204623 S.G.
 v.
 K.H.

Merits:
Argued by James Keane for appellant and by James Eliaser for respondent (cross- appellant). Cause submitted.

B205600 Rosen
 v.
 Stovall

Merits:
Argued by John Kralik for appellant and by Adam Krolikowski for respondent. Cause submitted.

DIVISION TWO (continued)

B207264 Mercury Plastics Inc.
 v.
 Luben et al.

Merits:

Argued by Allan Songstad, Jr. for appellants and by Debra Korduner for respondent. Cause submitted.

B199801 MCA Records Inc.
 v.
 Allison et al.

Merits:

Argued by Glenn Pomerantz for appellant and by Brian Grossman and James Zwickel for cross-appellants. Cause submitted.

Court in recess.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B209453 People v. Wright
B209777 People v. Millan

Argument waived, cause submitted.

B206659 Zabaldo
 v.
 Akselrod, et al.

Merits:

Argued by David Cienfuegos-Levin for appellant Zabaldo and by Y. Gina Lisitsa for appellants Akselrod et al. Cause submitted.

DIVISION TWO (continued)

B206069 Chen
 v.
 Liet Kien LA et al.

Merits:
Argued by Jeffrey Thomas for appellant and by Maurice Wong for respondents. Cause submitted.

B205896 LADT, LLC
 v.
 Agnew

Merits:
Argued by Christine Lyden for appellant and by Jenny Goodman for respondent. Cause submitted.

B191020 Cherry et al.
 v.
 3075 Wilshire Blvd. et al.

Merits:
Argued by Andrew Krzemuski for appellants Cherry, et al. and by Edmund Farrell for appellants 3075 Wilshire Blvd., et al. Cause submitted.

B207719 Owen
 v.
 Macy's, Inc.

Merits:
Argued by David Markham for appellant and by David Martin for respondent. Cause submitted.

DIVISION TWO (continued)

B205073 Sepehr
 v.
 Burris

Merits:

Argued by appellant Farideh Sepehr in propria persona and by Maxine Lebowitz for respondent. Cause submitted.

B206501 Supervalu, Inc.
 v.
 Wexford Underwriting Managers, Inc., et al.

Merits:

Argued by Gwen Freeman for appellant; by Susan Popik for respondent TIG, Insurance; by Frederick Baker for respondent Continental and by Robert Lewis for respondent Wexford. Cause submitted.

Court adjourned.

DIVISION FOUR

B205993 Cohen
 v.
 Freid & Goldman et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B203647 People (Not for Publication)
v.
Gregory Gadlin

The \$600 parole revocation fine imposed pursuant to section 1202.45 is ordered stricken. The judgment is affirmed in all other respects.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B203777 Magana Cathcart McCarthy (Certified for Publication)
v.
CBI Richard Ellis, Inc.

The judgment is reversed. Each party to bear their own costs.

Kriegler, J.

I concur: Turner, P.J.
I dissent: Mosk, J. (Opinion)

B205535 People (Certified for Partial Publication)
v.
Joseph Sisneros

The judgment is corrected to delete reference to the \$5,030 state construction penalty. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION SIX

B214064 S.A. (Not for Publication)

v.

Santa Barbara Co.

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B209304 People (Not for Publication)

v.

Rivera

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

B209047 People (Not for Publication)

v.

Branch

Branch's conviction for making a criminal threat is reversed. In all other respects the judgment is affirmed. The abstract of judgment is ordered corrected to delete reference to the conviction for making a criminal threat. The superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur: Woods, J.
 Jackson, J.

DIVISION SEVEN (continued)

B210785 Los Angeles County, D.C.F.S. (Not for Publication)
v.
A. O.,

The jurisdictional order is reversed and the cause remanded for any further proceedings required in accordance with this opinion.

Jackson, J.

I concur: Woods, J.
I dissent: Perluss, P.J. (Opinion)

B212512 Clark et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(National Western Life Insurance Company, r.p.i.)

The petition is granted. Let a peremptory writ of mandate issue directing the trial court to vacate its order of November 14, 2008 granting National Western's motion for judgment on the pleadings and to enter a new order denying that motion and to conduct any further proceedings not inconsistent with this opinion. Petitioners are to recover their costs in this writ proceeding.

Perluss, P.J.

We concur: Woods, J.
 Jackson, J.

B212512 Clark
v.
Superior Court, Los Angeles County
(National Western Life Insurance Company, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B203341 People (Not for Publication)
v.
Cowgill

The judgment is modified to strike the five-year sentence enhancement for infliction of great bodily injury causing the victim to become comatose, and to replace it with a three-year sentence enhancement for infliction of great bodily injury, and is otherwise affirmed. The matter is remanded to the trial court for the limited purpose of correction of the abstract of judgment, and the forwarding of a corrected abstract to the Department of Corrections.

Bauer, J. (Assigned)

I concur: Flier, Acting P.J.
I dissent: Bigelow, J. (Opinion)

B204687 Los Angeles Korean Methodist Church (Not for Publication)
v.
Kim

The court's issuance of the injunction was substantively correct and this aspect of the trial court's ruling is affirmed, but the ruling was procedurally imperfect solely for failing to order the posting of a security bond under Code of Civil Procedure section 529, subdivision (a). The matter is therefore remanded for the limited purpose of a hearing before the court on the issuance of a bond in an appropriate amount. In all other respects, the preliminary injunction is affirmed. The parties to bear their own costs.

Rubin, Acting P.J.

We concur: Bigelow, J.
Bauer, J. (Assigned)